

Federal Acquisition Regulation

4.1202

4.1105 Solicitation provision and contract clauses.

Except as provided in 4.1102(a), use the clause at 52.204-7, Central Contractor Registration, in solicitations and contracts.

[59 FR 67018, Dec. 28, 1994, as amended at 71 FR 36924, June 28, 2006. Redesignated at 74 FR 52849, Oct. 14, 2009]

Subpart 4.12—Representations and Certifications

SOURCE: 69 FR 76345, Dec. 20, 2004, unless otherwise noted.

4.1200 Scope.

This subpart prescribes policies and procedures for requiring submission and maintenance of representations and certifications via the Online Representations and Certifications Application (ORCA) to—

(a) Eliminate the administrative burden for contractors of submitting the same information to various contracting offices; and

(b) Establish a common source for this information to procurement offices across the Government.

[69 FR 76345, Dec. 20, 2004, as amended at 72 FR 36854, July 5, 2007]

4.1201 Policy.

(a) Prospective contractors shall complete electronic annual representations and certifications at <http://orca.bpn.gov> in conjunction with required registration in the Central Contractor Registration (CCR) database (see FAR 4.1102).

(b)(1) Prospective contractors shall update the representations and certifications submitted to ORCA as necessary, but at least annually, to ensure they are kept current, accurate, and complete. The representations and certifications are effective until one year from date of submission or update to ORCA.

(2) When any of the conditions in paragraph (b) of the clause at 52.219-28, Post-Award Small Business Program Rerepresentation, apply, contractors that represented they were small businesses prior to award of a contract must update the representations and certifications in ORCA as directed by

the clause. Contractors that represented they were other than small businesses prior to award of a contract may update the representations and certifications in ORCA as directed by the clause, if their size status has changed since contract award.

(c) Data in ORCA is archived and is electronically retrievable. Therefore, when a prospective contractor has completed representations and certifications electronically via ORCA, the contracting officer must reference the date of ORCA verification in the contract file, or include a paper copy of the electronically-submitted representations and certifications in the file. Either of these actions satisfies contract file documentation requirements of 4.803(a)(11). However, if an offeror identifies changes to ORCA data pursuant to the FAR provisions at 52.204-8(d) or 52.212-3(b), the contracting officer must include a copy of the changes in the contract file.

[69 FR 76345, Dec. 20, 2004, as amended at 71 FR 57363, Sept. 28, 2006; 72 FR 36854, July 5, 2007; 72 FR 63078, Nov. 7, 2007; 73 FR 33638, June 12, 2008; 74 FR 2729, Jan. 15, 2009; 74 FR 11825, Mar. 19, 2009]

4.1202 Solicitation provision and contract clause.

Except for commercial item solicitations issued under FAR Part 12, insert in solicitations the provision at 52.204-8, Annual Representations and Certifications. The contracting officer shall check the applicable provisions at 52.204-8(c)(2). When the clause at 52.204-7, Central Contractor Registration, is included in the solicitation, do not include the following representations and certifications:

(a) 52.203-2, Certificate of Independent Price Determination.

(b) 52.203-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.

(c) 52.204-3, Taxpayer Identification.

(d) 52.204-5, Women-Owned Business (Other Than Small Business).

(e) 52.209-2, Prohibition on Contracting with Inverted Domestic Corporations—Representation.

(f) 52.209-5, Certification Regarding Responsibility Matters.

(g) 52.214-14, Place of Performance—Sealed Bidding.

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- (h) 52.215–6, Place of Performance.
- (i) 52.219–1, Small Business Program Representations (Basic & Alternate I).
- (j) 52.219–2, Equal Low Bids.
- (k) 52.219–22, Small Disadvantaged Business Status (Basic & Alternate I).
- (l) 52.222–18, Certification Regarding Knowledge of Child Labor for Listed End Products.
- (m) 52.222–22, Previous Contracts and Compliance Reports.
- (n) 52.222–25, Affirmative Action Compliance.
- (o) 52.222–38, Compliance with Veterans' Employment Reporting Requirements.
- (p) 52.222–48, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment Certification.
- (q) 52.222–52, Exemption from Application of the Service Contract Act to Contracts for Certain Services—Certification.
- (r) 52.223–1, Biobased Product Certification.
- (s) 52.223–4, Recovered Material Certification.
- (t) 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (Alternate I only).
- (u) 52.225–2, Buy American Act Certificate.
- (v) 52.225–4, Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate (Basic, Alternate I & II).
- (w) 52.225–6, Trade Agreements Certificate.
- (x) 52.225–20, Prohibition on Conducting Restricted Business Operations in Sudan—Certification.
- (y) 52.225–25, Prohibition on Engaging in Sanctioned Activities Relating to Iran—Certification.
- (z) 52.226–2, Historically Black College or University and Minority Institution Representation.
- (aa) 52.227–6, Royalty Information (Basic & Alternate I).
- (bb) 52.227–15, Representation of Limited Rights Data and Restricted Computer Software.

[69 FR 76345, Dec. 20, 2004, as amended at 71 FR 36931, June 28, 2006; 72 FR 63078, Nov. 3, 2007; 72 FR 63043, Nov. 7, 2007; 73 FR 21789, 21798, Apr. 22, 2008; 73 FR 33638, June 12, 2008; 74 FR 2729, Jan. 15, 2009; 74 FR 31563, July 1, 2009; 75 FR 60256, Sept. 29, 2010; 75 FR 82567, Dec. 30, 2010; 76 FR 31397, 31413, May 31, 2011]

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Subpart 4.13—Personal Identity Verification

SOURCE: 72 FR 46335, Aug. 17, 2007, unless otherwise noted.

4.1300 Scope of subpart.

This subpart provides policy and procedures associated with Personal Identity Verification as required by—

- (a) Federal Information Processing Standards Publication (FIPS PUB) Number 201, “Personal Identity Verification of Federal Employees and Contractors”; and
- (b) Office of Management and Budget (OMB) Guidance M–05–24, dated August 5, 2005, “Implementation of Homeland Security Presidential Directive (HSPD) 12—Policy for a Common Identification Standard for Federal Employees and Contractors.”

4.1301 Policy.

- (a) Agencies must follow FIPS PUB Number 201 and the associated OMB implementation guidance for personal identity verification for all affected contractor and subcontractor personnel when contract performance requires contractors to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.
- (b) Agencies must include their implementation of FIPS PUB 201 and OMB Guidance M–05–24 in solicitations and contracts that require the contractor to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.
- (c) Agencies must designate an official responsible for verifying contractor employee personal identity.
- (d)(1) Agency procedures for the return of Personal Identity Verification (PIV) products shall ensure that Government contractors account for all forms of Government-provided identification issued to Government contractor employees under a contract, *i.e.*, the PIV cards or other similar badges, and shall ensure that contractors return such identification to the issuing agency as soon as any of the following occurs, unless otherwise determined by the agency: